

Wisconsin Tavern
League

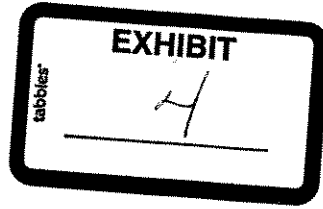


EXHIBIT 5-

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Sent to City Alderman

> WI AB 414 - PASSED ASSEMBLY CURRENTLY IN SENATE!

> The Legislative Reference Bureau's Analysis of LRB-0963 appears below. If you wish to receive a copy of the bill draft, please contact Brian Pleva (6-2540) or Judi Rhodes-Engels (6-5660). If you wish to cosponsor this bill, please e-mail me or call either of our offices by 5:00 p.m. on April 13th.

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> Analysis by the Legislative Reference Bureau

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> Current law prohibits smoking in enclosed, indoor areas within specified buildings and facilities, including restaurants with a capacity of more than 50 individuals. However, with certain exceptions, current law authorizes a person in charge of any building or facility where smoking is prohibited to designate smoking areas within the building or facility. Current law also allows smoking in taverns holding a > "> Class B> "> intoxicating liquor license or Class > "> B> "> fermented malt beverage license, issued by a municipality (liquor license). Current law allows smoking in any restaurant holding a liquor license, if the sale of alcohol beverages accounts for more than 50 percent of the restaurant's receipts.

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> This bill expands the general prohibition against smoking in restaurants so that the prohibition applies regardless of the restaurant's capacity. The bill also creates a new exception to this general prohibition. Under the bill, the prohibition against smoking in restaurants does not apply to the bar area of a restaurant if the sale of food in the bar area is only incidental to the sale of alcohol beverages. The bill also specifically exempts bowling centers from the general prohibition against smoking in retail establishments.

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Matt Pommer: Tavern League moves ahead with 'Smoke Free Dining Act'

By Matt Pommer
June 13, 2005

The Tavern League's drive to head off smoke-free bars in Madison and Appleton gained steam last week in the State Capitol, and its chief legislative chaperone has added a touch of patriotism.

On a 7-2 vote the Assembly State Affairs Committee endorsed what the Tavern League and its legislative friends call the "Smoke Free Dining Act."

The measure would - on a statewide basis - impose a smoking ban in the dining areas of restaurants, but it would prohibit local governments from imposing a ban on smoking in the bar areas of taverns and restaurants.

Limiting local government action ought to sound familiar. It was the approach used in the compromise on the minimum wage. After a lengthy hassle, the Republican-controlled Legislature agreed to accept higher minimum wages statewide in return for Gov. Jim Doyle signing a prohibition on higher, locally adopted minimum wages.

It was widely noted in Wisconsin newspapers that Republicans were once the champions of the idea that the best political decisions were made at the local level.

Earlier in his term Doyle approved limiting enforcement of tavern gambling to state officials, but his spokesman has said the governor opposes the latest move on tavern smoking.

Chief sponsors of the tavern smoking measure are state Rep. Jeff Fitzgerald, R-Horicon, and state Sen. Scott Fitzgerald, R-Juneau. Jeff Fitzgerald, the younger brother, waved the flag after the committee advanced the measure.

He said the public would "question the logic" of making veterans, smoking at the VFW bars, into lawbreakers. The Appleton ordinance includes private clubs in its bar smoking ban, notes Rep. Fitzgerald. Madison's ban on smoking in taverns is set to go into effect July 1.

Fitzgerald also noted there are statewide hours on taverns and blood-alcohol content to determine drunken driving. "We should also establish a reasonable statewide policy on smoking."

The arguments for curbing local ordinances on tavern smoking also sound familiar. Like the minimum wage debate, promoters say some business owners would be hurt.

"The patchwork of local smoking ban ordinances threatens the economic well-being of the small businesses in those localities, and anyone attending the public hearing heard that message loud and clear. A statewide policy is the only tool to level the playing field," said Rep. Fitzgerald.

"We recognize and agree with the desire for smoke-free dining but must weigh that against the legal act of smoking and the fights of business owners," continued Rep. Fitzgerald.

His brother, Sen. Fitzgerald, is co-chairman of the Legislature's Joint Finance Committee, spurring speculation that the tavern legislation might end up in the budget bill.

Even if it doesn't end up in that measure, other legislators will have to deal with Sen. Fitzgerald on a host of other ideas. It has always been a good idea to be friends with the co-chairmen of the Joint Finance Committee.

That's important in a year when there is a strong possibility of a lengthy state budget stalemate between the Republican-controlled Legislature and the Democratic governor.

The Assembly co-chairman of the Joint Finance Committee is state Rep. Dean Kaufert, R-Neenah, who operates a tavern in Neenah called "Under the Dome."

That may not matter because the Tavern League is its own political force. It estimates there are more than 12,000 licensed taverns in the state. The aging of the customers and tougher drunken driving laws have hurt many taverns, and tavern owners are concerned about the more than 20 local ordinances on the books or soon coming on line.

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Sincerely,

From: Bill Hannegan
To: SWARD1979@aol.com, sugarcaneavern@aol.com, [REDACTED]

-----Original Message-----

From: hanneganlounge@safeplace.net [mailto:hanneganlounge@safeplace.net]
Sent: Tuesday, February 28, 2006 8:51 PM
To: SharZ28hus@aol.com; nycclash@nycclash.com; hanneganlounge@safeplace.net;
dhopper@sbcglobal.net; greg@rennier.net; lpdarla4freedom@charter.net;
pbergauer@morerestaurants.org; MRPakko@aol.com; lloyd_sloan@yahoo.com;
nhalliwell@1spp.com; Cantiloper@aol.com
Subject: [Fwd: Re:]

Well, atleast one of the councilmen looked at what I sent. It's a great alternative to a smoking ban written by St. Louis Alderman Steve Gregali. I don't see why they wouldn't go for it.

----- Original Message -----

Subject: Re:
From: "Willie Wade" <wwade@milwaukee.gov>
Date: Tue, February 28, 2006 7:40 pm
To: hanneganlounge@safeplace.net

I looked at this.

Alderman Willie C. Wade
7th Aldermanic District
City of Milwaukee
(414)-286-3764

>>> <hanneganlounge@safeplace.net> 2/28/2006 4:32 AM >>>
Councilman,

St.Louis rejected a total smoking ban but it looks like they might put this bill thru: <http://stlcin.missouri.org/Document/aldermen/PDF/BB023.pdf>

It's a law bars can live with. The law requires all bars and restaurants to register as either smoking, restricted smoking or smoke-free and put up signs. No big deal. If anyone smokes in a restricted area they get a fine. O.K. This way no one gets surprised by secondhand smoke. Everyone can live with this. Please check it out! I would appreciate a reply that tells me you looked at this law. Thanks.

January 25, 2006

Dear Salt Lake City,

It has come to my attention that you are considering a smoking ban. I own a bar in Hennepin County, Minnesota and the city of Minneapolis and have first hand experience in the damage these bans cause. I strongly suggest you do not make the same mistakes made in our city and county.

Before the ban was passed, bar owners predictions were ignored. The well funded anti smoking advocates assured us all the nonsmokers would flock through our doors, another false promise. I can provide hundreds of testimonials from across the nation on the damage to small businesses after a smoking ban. Many bar owners foolishly believed a smoking ban would not damage their business, sadly they were very wrong.

OSHA, the federal agency who regulates the workplace, regulates our businesses. OSHA has no policy on SHS because it was determined the permissible levels of exposure could not reach levels dangerous enough to need a policy. Testing done in bars before the smoking ban in our very own St. Louis Park MN showed their 19 bars tested well below OSHA safety limits.

I provided proof the studies used to support these bans were misleading and inaccurate. I provided a copy of the American Lung Association stating the science on SHS was an "inexact science." Unfortunately no one bothered to read any of the above. In hindsight, many have told me they were shocked to see the deception the anti smoking advocates called science. No one, not even some of the bar owners, ever expected the ban to be this devastating.

Hennepin County has the largest population of any county in Minnesota. It includes the cities of Minneapolis and Bloomington (think Mall of America and airport). Effective March 31, 2005, the city and county passed the toughest smoking bans in the state. The County was assured other counties and the state would follow. This never happened. Hennepin County remains the only county in the state banning smoking everywhere including bars. All other counties declined to pass a ban, some refused to even discuss it. The state smoking ban never made it out of committee.

Bloomington City Council refused to amend their ban in August 2005. The following week every bar on the fourth floor (the entertainment area) of the Mall of America closed except Hooter's. As published in the Tribune, the smoking ban was a deciding factor. The Mall has the highest customer counts and occupancy in its history.

Bloomington released a study of the economic impact on their city and also called it "inconclusive." The study showed liquor taxes collected to be -8.38% in the first 3 months of the ban. Compared to an increase of .72% the year before. Sports bars were -23.64% and private clubs were -9.05%. Food sales remained flat. It wasn't inconclusive to the bar owners.

The Minnesota Charitable Gambling Board reports in the first two months of the ban in Minneapolis showed charitable gambling revenues were down \$1,894,586.00 and Hennepin County charitable gambling revenues were down a whopping -\$6,797,296.00. After 4 months they are down \$14.5 million.

Hennepin County released their Impact Statement on the first 3 months of the

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Bars show smoking ban hurts

Three Appleton owners open books to demonstrate impact on sales

By **Steve Wideman**

Post-Crescent staff writer February 19, 2006

APPLETON — As soon as talks about a workplace smoking ban in Appleton began, bar owners voiced concerns about the potential for lost business.

More than six months after the ban took effect, a handful of them say they can prove the ban has cost them money.

Three owners recently opened their financial records for The Post-Crescent in an effort to persuade voters to approve a referendum April 4 that would exempt their businesses.

State sales tax records for two of the three businesses show year-over-year losses of about 30 percent from July 1-Dec. 31. The third shows a 3 percent gain for the last two months of 2005, well below its normal growth pace, its owner said.

"We are business owners in a city that just doesn't seem to care," Sharon Reader, owner of Emmett's bar and restaurant, said this past week.

Her records show a revenue drop of nearly \$57,000, or 28 percent, for the last half of 2005 versus 2004.

"We want to make people aware we are not making up the loss numbers," Reader said. "We are not just a bunch of whiney bars owners."

Lower sales or not, the debate has not changed, said Stevie Schmidt, president of Clean Air Works, a political action group that circulated petitions responsible for putting the smoking ban before voters last year.

"This is a health issue. I still think breathing comes

Smoke-free sales activity

The owners of three Appleton bar/restaurants showed The Post-Crescent state sales tax forms to indicate the impact the city's workplace smoking ban has had on their businesses since it took effect July 1. Two of the owners provided information covering the ban's first six months. The third provided figures for two months. The information is submitted to the state Department of Revenue, which does not release individual tax forms. The city licenses 118 bars and other establishments that sell beer and liquor.

Emmett's

First six months 2005: \$148,849.58

First six months 2004: \$205,664.75

Change: minus \$56,815.17 (minus 28 percent)

Shark's Club Billiards, Bar & Grill

First six months 2005: \$163,223

First six months 2004: \$234,591

Change: minus \$71,368 (minus 30 percent)

The 10th Frame

November/December 2005: \$139,415

November/December 2004: \$135,314

Change: plus \$4,101 (3 percent)

Statewide sales taxes

State sales taxes paid by Wisconsin bar owners:

2005: \$50,898,384

2004: \$51,380,252

Change: minus 0.9 percent

Taxes paid by owners of full-service restaurants:

2005: \$262,193,985

2004: \$264,297,112

Change: minus 0.8 percent

About the ban

On April 5, 2005, voters in Appleton approved a workplace smoking ban that took effect July 1. The ban prohibits people from

"The seven employees we have left have had their hours cut back," Roepcke said.

"If we don't allow smoking back in Appleton bars, I'll probably go out of business," he added.

Roepcke said beer and liquor distributors also report a decline in sales within Appleton, but see growing sales in communities without smoking bans surrounding the city.

A letter written to Terry Harvath, president of the Outagamie County Tavern League, from one beer and liquor distributor notes that bars bordering Appleton have seen dramatic increases in sales.

Representatives of three beer and liquor distributors declined to publicly comment or be named. But a copy of a letter to Harvath on beverage company letterhead obtained by The Post-Crescent indicates one company's accounts with bars affected by the smoking ban have seen an 11 percent decline. Bars in surrounding communities are buying beer and liquor at a 24 percent increase since the ban took effect.

"The data confirms that those consumers have chosen to take their business elsewhere solely based on the uneven effects that the ordinance has created," the letter reads.

"Last month alone we were down 50 percent in Budweiser sales from the year before," Roepcke said. "If the exemption doesn't pass, I don't know what a lot of the bars are going to do. Right now, we are borrowing, cutting back and not taking a salary ourselves just to stay in business."

He said the issue comes down to fairness.

"When you can go a mile away in any direction from downtown Appleton and smoke that's what is causing the problem," Roepcke said. "Maybe a statewide ban would work, but to be segregated in such a small area where other municipalities don't have to follow the same rules is not right."

Rick Vander Wyst, owner of the 5th Quarter Sports Bar & Grill, 2101 American Drive, Little Chute, said the Appleton ban has had little effect on his business.

"We have a couple of bins behind the bar that I empty every night and I haven't noticed any more ashes than before the ban," he said. "I haven't noticed a higher percentage of people who are smokers that I could attribute to the ban in Appleton."

Jay Plamann, owner of Jim's Place, 223 E. College Ave., said he is in favor of a statewide smoking ban to even competition.

"Why should Appleton be in an island with an unfair competitive advantage by other communities," Plamann said. "What happened to us in the last referendum is they (ban proponents) started with workplace safety and made it a bar and restaurant issue."

Chad Van Daalwyk, owner of The 10th Frame, 618 W. Wisconsin Ave., said the ban has not meant a loss of revenue, but it has halted four years of steady monthly growth.

"From the time we opened until the smoking ban went into effect our business was growing 20

Ban Effects On NY Bars and Restaurants

(Collected & Organized by Dave Hitt, Samantha Phillipe and Michael McFadden)

City	Name	Business	Closed?	Business Jobs Lost	Details & Statements
Albany	BlessedSacChurch	Bingo Hall		50%	According to Herb Holland, some of the regulars told volunteers that they would abstain from playing bingo, to protest the smoking ban. He hasn't seen them since.
Albany	Temple Israel	Bingo Hall		50%	
Astoria	Athens Cafe	Restaurant		55% / 10	
Auburn	Kim's Trackside Tavern	Tavern		25%	"Our local Cayuga county health dept. continues to refuse to issue smoking waivers to businesses suffering a financial hardship."
Bath	Hotel McDonald	Hotel		70%	
Bath	Just One More	Tavern		30%	
Bellerose	Finish Line	Bar/Rstrnt		40% / 2	
Binghamton	Airport Inn	Tavern		40%	Evans says business has dropped at least 40-percent in the last year. Her liquor license expires next April, and she says, she doesn't plan on renewing it. The Airport Inn was a successful business for 18 years.
Binghamton	Edigan's	Restaurant	Closed	100%	
Binghamton	Valentines Tavern		Closed	100%	
Binghamton	Mama Lena's	Restaurant	Closed	100%	Mama Lena's had been in business for more than 40 years.
Binghamton	Yesterday's	Bar/Rstrnt	Closed	100%	
Brewster	The Roadhouse	Tavern		40%	
Broadalbin	The Lodge	Bar/Rstrnt		50% / 1	
Bronx	Fieldstone	Billiards/Bar		40% / 1	
Buffalo	Legion Post1041	Bingo Hall		68%	
Buffalo	Amherst Bowling Center	Bowling	Closed	100%	
Buffalo	Jimmy Macs	Bar & Grill	Closed	100% / 35	"Out of business, laid off 35 employees.... went from making a steady living for 24 years to losing about \$100,000/year compliments of the ban. The government figures are lies. Tell your friends who own bars that if the ban goes in they might as well pack up and leave."
Buffalo	B&G Bar & Grill	Bar/Rstrnt		30%	
Buffalo	Cabaret	Tavern		40% / 1	
Buffalo	Cook Bar & Grill	Bar/Rstrnt		40% / 2	
Buffalo	Freddies	Bar/Rstrnt		50%	
Buffalo	Pocketeer Billiards	Pool Hall		60-70%	"The President says small business is the backbone of our country, NYS says screw small business just give us your money and your blood! All of it!!!!!!

Holland	The Holland Hotel	Bar/Rest/ Hotel		30% / 4	"Food and bar business are both down.... Friday dinners down from 170 to 60. Monthly expenses are about \$3,000 more than sales. My life long dream of operating my own business will be over in 6 months. My wife & 3 children... have used all of our savings to supplement the business after the ban."
Hyde Park	Kay Cey's	Tavern		45%	
Ithaca	Bowl-O-Drome	Bowling		14% / 2	The business lost almost \$30,000 and 110 bowlers during the 32-week league season... In the busiest months (January and May), Parkin saw a 14 percent decrease in activity comparing the same period in 2004 to 2003.
Jackson Hgts	La Bataclana	Tavern	Closed	100%	
Jamestown	Coin Operated Amusements	Vending Machines		20-50%	Revenue from vending machines and games cut in half in many places.
Jamestown	Elks Lodge (Private Club)	Private Club	Closed	100%	Bingo, which funded their charitable work, is now completely shut down.
Jamestown	Fountain Bowl	Bowling		40% / 8	
Jamestown	Mr. D's	Bar/Rstrnt	Closed	100%	
Jamestown	Patsy's Lounge	Tavern		50% / 2	"I have let 2 employees go and the other 3 have had their hours cut in half."
Jamestown	Tommy's Place	Bar/Rstrnt	Closed	100%	
Jamestown	Windsor Ale House	Tavern	Closed	100%	
Johnstown	Partner's Pub	Bar/Rstrnt		20% / 1	
Kennedy	Crossroads Steaks	Restaurant	Closed	100%	
Lake George	Lemon Peel Lounge	Lounge		20% / 2	"We are now opening later and closing earlier. We are a local tavern with no food. The ban hurt."
Lakewood	Ye Olde Anchor Inn	Bar/Rstrnt		18%	
Liverpool	End Zone	Bar/Rstrnt		30% / 1	
Lockawanna	Woody's Pub	Bar/Rstrnt		25% / 3	
Long Island	Olympian Summit Inc	Pool Hall/ Bar/Rstrnt		40% / 3	
Malone	Knights of Columbus	Bingo Hall		80%	
Malone	Seven's Bar	Tavern		30%	
Marcellus	Village Tavern	Bar/Rstrnt		10%	
Marcy	Riverside Lanes	Bowling		20% / 2	
Massena	Delmar Sportsman's Tavern	Tavern		30% / 1	"We had hoped...nonsmokers who haven't been frequenting taverns due to the smoke- filled air would make up for at least some of the financial loss. Unfortunately, at least in our place, this has most definitely not happened. Our sales are at an all time low."
Massena	Open Net Lounge	Tavern		11%	
Mattydale	The Cam-Nel	Tavern	Closed	100%	The Cam-Nel opened in 1952, 53 years of pre-ban service.
Mayville	Lakeview Hotel/Blues Rock Cafe	Tavern		50%	On the first day of the ban, my tips and number of customers dropped 50%, and never came back up.

NYC	Roesch's	Tavern	Closed	100%	Lauterborn, 60, said his bar saw 40 customers nightly before the ban but only about five after it. He has closed and says his children are supporting him while he looks for work. His tavern had been a 100 year old family owned business.
NYC	Slade	Restaurant		40%	
NYC	Sugoba Bistro	Bistro	Closed	100% / 28	After 8 years of success in NYC, the NY smoking ban killed my Bistro in less than a year! In less than 3 months my business declined 37%. Within six months I was unable to meet payroll and I had to lay off 28 employees.
NYC	Swan's	Tavern	Closed	100% / 7	"I felt bad laying off seven workers. Most of them had been with me for the five years Swan's was open. None of them had ever complained about secondhand smoke. "
NYC	Swift's	Tavern		40%	"It's absolutely killed us. This time last year the bar would be packed with the after-work cocktail crowd. Now they just take a bottle of wine or a six-pack to their apartments, where they can smoke."
NYC	Whiskey Ward	Tavern		20% / 2	
Newburgh	GoldenRailAleHouse	Tavern		25%	
Niagara Falls	The Press Box	Tavern	Closed	100%	The Press Box was open for 45 years.
Ogdensburg	The Web	Tavern	Closed	100%	Owners Janet and Anthony Doerr say the smoking ban destroyed their business.
Oneida	Bec's Ivy Grill	Bar & Grill		23% / 3	
Oneida	Five Corners	Bar/Rstrnt		32	"After 20 years of hard work this is what NY state does to us. Where are all these nonsmokers? "
Oswego	Buoy's Dockside Tvn	Tavern		37%	
Oswego	Eagle Beverage Company	Distributor		25%	"Deliveries to pubs and taverns have decreased substantially, greater than 25 percent."
Oswego	Shamrock Tavern	Tavern		50%	"It's not right. Our livelihood is being taken away."
Parkville	Champions Billiards Cafe	Brew Pub / Pool Hall		33%	
Port Leyden	Central Hotel	Bar/Rstrnt		50%	
Portville	Maple Tree Inn	Tavern	Closed	100% / 3	
Potsdam	VFW Post 1194	Tavern		22%	
Potville	Cork and Bottle	Tavern	Closed	100%	Located near the PA border, this was literally a Mom and Pop business, run by a couple with no employees to "protect."
Remsen	Taylor's Trackside	Bar/Rstrnt		50%	
Rochester	Christanis	Tavern		40%	
Rochester	Hancock's Hudson Tavern	Bar/Rstrnt		15%	

Syracuse	Tommys	Tavern	40%
Syracuse	Viva Debris	ComedyClub	30
Tonawanda	Slick Willie's	Pool Hall	25%
Troy	Celtic Cultural Organization	Bingo Hall	30-35%
Troy	Holmes & Watson's	Tavern	30%
Utica	The Dog House	Bar/Rstrnt	28%
Utica	Varick	Bar/Rstrnt	35%
Utica,	Shortys Bar&Grill	Bar/Rstrnt	30%
Walkill	Desperado's	Tavern	90%
Watertown	Brown Shanty	Tavern	20% / 1
Wellsburg	Village Tavern		50%
West Seneca	Southgate Lanes	Bowling Bar	55% / 7
Wheatfield	The Alps	Restaurant	Closed 100%
Wheatfield	The Meeting Place	Bar/Rstrnt	Closed 100%
Wilson	Jean's Bar&Grill	Tavern	26%

"From July 25 through Nov. 1, we are down about \$12,000 from the same period last year."

"I can count on my fingers the people who don't smoke who come in...The regulars say they won't come."

After California's smoking ban, we'd see TV interviews of people sitting in a bar enjoying a drink, telling the camera that this is the first time they'd been able to go to a bar since the smoke always bothered them and now they'd be able to go out for drinks and enjoy themselves.

One such interview was at a bar in San Diego where I knew the owner personally. The next time I spoke with her she angrily told me it was a set-up and she hadn't seen the couple since that day nor have any of the other bar owners she's associated with. She was finally learning, a little too late, what she was up against.

-Marty Ronhovdee

Village smoking ban tabled till state acts

Wendy Kummerer

Published February 23, 2006

Chicago Tribune

PALATINE -- Before dealing with local smoking legislation, Palatine's Village Council will wait to see what state legislators do.

Mayor Rita Mullins said Tuesday that a ban was discussed by the Northwest Municipal Conference, a council whose members represent 50 municipal governments, and the feeling was that it would be supported if enforced across the state.

"No town wanted to pass the ban themselves because the feeling was the business would go to the next town and so on," Mullins said. "However, as a consortium it might be something they would be in favor of."

A bill has been introduced in the Illinois General Assembly that would prohibit smoking in restaurants, bars, taverns and bowling alleys.

"We should conclude this discussion and let the cards fall. See what the state decides," Councilman Jack Wagner said.

In other business, the council will seek feedback from Palatine residents on downtown development in a tax-increment financing district.

The Hummel Group and Focus Development of Wheaton pitched their plans to the council for a combined retail and condominium development at Brockway, Wood, Bothwell and Wilson Streets, known as Block 27.

"This is a unique approach for the village and the first time we have chosen to openly discuss the development process with the public," Councilman Brad Helms said.

Both proposals include more than 100 condominiums, more than 15,000 square feet of street-level stores (primarily along Wilson), underground parking. Buildings would be three to five stories high.

The plans are on the village Web site and cable Channel 6, officials said. The council will discuss them in March.

<http://www.chicagotribune.com/news/local/nearnorthwest/chi-0602230072feb23,1,1450978.story?coll=chi-newslocalnearnorthwest-hed>
Map - <http://maps.google.com/maps?oi=map&q=Palatine,+IL>

Posted on Wed, Feb. 22, 2006

County Board blows off smoking ban

ST. LOUIS COUNTY: Commissioners tackle the smoking issue for the first time and decide to defer the matter to the state.

BY JANNA GOERDT

DULUTH NEWS TRIBUNE STAFF WRITER

The St. Louis County Board won't consider a smoking ban after all -- at least not until Minnesota's upcoming legislative session is over.

Commissioners took up the smoking issue for the first time Tuesday but soon decided to defer the matter for state action.

Board members reviewed a draft smoking ban proposed by Commissioner Steve O'Neil that would prohibit smoking in public places throughout the county, including restaurants but not bars. The exception for bars would have expired after Aug. 1, 2007.

While board members unanimously support a statewide smoking ban, several commissioners had reservations about adding to the "patchwork" of smoking bans in northern Minnesota.

"If the state doesn't have the courage to step up, then I could support this," Chairman Keith Nelson said. But he objected to singling out St. Louis County from the region.

The decision was a setback for O'Neil, who has worked with several other communities to enact smoking bans, including Duluth.

"I think there's an urgency here," O'Neil said. "When there are somewhere around 35,000 in the country that die from secondhand smoke every year, a number of those people will be from Northeastern Minnesota. For them, this is urgent.

"The one thing that is consistently clear is that the majority of people in the county -- north and south, east and west, rural and urban -- are in favor of a smoking ban," O'Neil said, citing the results of a recent countywide survey conducted by Grove Insight of Portland, Ore., and paid for by the American Lung Association.

Of the 350 people polled, 62 percent said they would strongly favor an ordinance prohibiting smoking in public places. Eighteen percent said they would strongly oppose a countywide ordinance.

Commissioners agreed, as they did last year, to send a letter to the Legislature in support of a statewide smoking ban.

But no one seemed to expect that legislators would seriously tackle the issue in the next few months, when they will be most focused on putting together a bonding bill.

That left the question: How long should the county wait for the state to act?

If the Minnesota Legislature fails to enact a statewide ban this year, the County Board might address a ban in the summer, O'Neil suggested.

Or the board might wait for the state to act during the next policy-setting legislative session in 2007, said Commissioner Dennis Fink.

Pat McKone, senior director for Tobacco Control Programs of the American Lung Association of Minnesota, learned of the board's decision

Tuesday afternoon as she returned from a meeting with other smoke-free advocacy organizations.

"It's odd, because the word from the state is that they need more local smoke-free ordinances" to build support for a statewide ban, she said. "And here, commissioners are saying they want the state to take the lead. Someone has to take a leadership role."

Commissioner Bill Kron spoke forcefully in support of St. Louis County going smoke-free sooner rather than later, arguing that businesses' bottom line "ought not to be enhanced at the expense of our young people and our health."

Commissioner Steve Raukar has pushed the idea of banding with Lake, Cook, Aitkin, Koochiching, Itasca, Pine and Carlton counties to enact a regionwide smoking ban. That also would put more pressure on the state, O'Neil said.

Commissioner Peg Sweeney had questions about enforcing a smoking ban in rural areas, where the St. Louis County Sheriff's Department already is stretched thin.

The County Board's conversation about a countywide smoking ban seems to echo those that preceded Duluth's smoking ban vote, O'Neil said. It took several years and two versions of a smoking ban before the Duluth City Council, and then the people of Duluth, found a ban that a majority of people could support.

"We'll continue to work; we're not going away," McKone said. "We'll be there until the air is cleared."

<http://www.duluthsuperior.com/mld/duluthsuperior/13931393.htm>

Date: 8-Feb-2006
Source: St. Louis Post-Dispatch
Carried by: St. Louis Post-Dispatch
Title: Arnold Eases Its Ban On Smoking
Author: Cathy Lenny
Location: Missouri

After 19 months of smoldering debate that pitted personal freedom against the dangers of secondhand smoke, council members tweaked a disputed smoking ban to allow diners to puff away in walled-off smoking sections.

Under the change, restaurants that seat more than 50 diners would have to build floor-to-ceiling barriers and install separate heating and cooling systems so that smoke doesn't waft into the main dining room. Public restrooms must be available within the smoke-free portion of the facility.

Owners of smaller restaurants must continue to enforce the smoking ban, said Mayor Mark Powell.

In July 2004, Arnold council members voted to ban smoking in bars and restaurants that derive less than 70 percent of their sales from alcohol. But weeks later, the city amended the law to allow smoking in walled-off, separately ventilated areas where alcohol is served. But there was a catch: The deadline to apply for a permission to build a smoking section was set at Dec. 31, 2004. Only two eateries were granted the variance.

Restaurant owners complained that because the ban didn't go into effect until November 2004, the deadline didn't give them enough time to gauge whether the ban's effect on sales would be big enough to justify the expense of constructing a smoking section. For months, Arnold council members refused to lift the deadline or budge on other changes to the disputed ban.

That changed last week. The council voted to allow both existing and new restaurants the option of adding a smoking room, regardless of whether they serve alcohol. The change levels the playing field and allows all restaurants to be treated equally, said Councilman Ron Jerger, who proposed the revision.

"It's unfortunate it took so long to do this," said Councilman Al Ems.

The changes were approved at the Feb. 2 council meeting by a vote of 5-2. Both Jim Edwards and Dave Venable, the original sponsor of the smoking ban, voted against the change.

Date: 7-Feb-2006
Source: Exponent
Carried by: Exponent
Title: West Lafayette City Council Votes Against Smoking Ban
Author: Brent Forgues
Location: Indiana

West Lafayette City Council voted down the proposed smoking ordinance 3-4 Monday night with the swing vote of the council president.

After more than two months of delays and a number of amendments to the ordinance, Ann Hunt, D-District 3, crossed party lines and unexpectedly voted against the smoking ban during the council meeting.

Hunt said she voted against the ordinance because of the recent amendment made to it during Thursday's pre-council meeting, allowing restaurants and bars to forgo enforcement of the ban until Dec. 31, 2007, although other businesses would have to comply by July 1.

Hunt also said that other "ambiguous" amendments made to the ordinance, such as changing the requirements for smoking near a public entrance from 15 feet to a "reasonable distance," caused her to vote the way she did.

"My dilemma is what to do with this amended ordinance," she said. "I felt like I had to make a decision and not cop out."

The final vote, delayed once in December and again in January, came before an audience of more than 80 people. The ordinance was to prohibit smoking in all public places, including restaurants and bars.

Council members tabled the final vote during January's council meeting due to the large number of local restaurant and bar owners who voiced their concern with the amount of revenue they would lose, should it have passed.

A committee was formed the next week, comprised of several council members, local business owners and health experts, to decide on a compromise. As a result, the council added several amendments intended to appease those still unhappy with the ordinance before its final reading.

Although disappointed with the council's decision, Trista Emery, a junior in the College of Agriculture and coordinator of the Tobacco Free Partnership of Tippecanoe County, said she would be talking with council members about bringing the ordinance back soon.

"We're just very thankful that the council didn't rush into anything that they weren't comfortable with," she said.

Voting it down exemplified how some council members realized that the issue at stake was freedom, said Greg Ehresman, owner of the Triple XXX Family Restaurant.

"What has to prevail, always, is what is right, and what is true and what is fair," he said. "This ordinance was not fair, it was not true and it was not to be done."

Mary Cook, owner of Harry's Chocolate Shop, The Pub and The Other Pub, said that although all of the restaurant and bar owners are in competition with each other every day for customers, she was satisfied that they could stand together for their beliefs.

"So for everyone that says, 'I don't vote because one vote doesn't matter.' For everyone who thinks his opinion is not important, that one person cannot change something ... learn from this: Don't give up.

"Don't give up your rights; don't give up your ideals; don't give up what you believe in. Because when it comes from the heart, you still have a chance."

01/26/06

Smoking in Joliet: Ban proponent pushes incentives for businesses

By Charles B. Pelkie
Joliet Herald News Staff Writer

JOLIET — Bar and restaurant owners breathed a sigh of relief after a proposal for a cigarette smoking ban appeared to wheeze its dying breath this week.

But the smoking debate continues to gasp for air.

Councilman Tim Brophy proposed a ban in December after the Chicago City Council pushed through controversial restrictions on public smoking. But he declined to call for a draft ordinance Monday night after local tavern and casino owners offered gloom-and-doom predictions about customers fleeing Joliet for competitors in neighboring towns.

The councilman, however, said he has received many calls and e-mails since Monday's joint session of the land use and public safety committee meetings urging him to continue his effort to reduce the harmful effects of secondhand smoke in bars and restaurants. He plans to push forward, but he is switching tactics.

Brophy has asked the city's attorney to begin researching the legality of offering financial incentives for bar and restaurant owners to either go smoke-free or install state-of-the-art air filtration systems to protect workers and customers.

Those incentives could include reductions in the cost of city liquor licenses or other tax rebates. Liquor licenses in Joliet range from \$750 to \$1,700 annually. "We've got to get the bars and restaurants to see that this can work and that there is a positive economic effect," Brophy said.

Councilwoman Jan Quillman, who is a nurse at Silver Cross Hospital and a member of the public safety committee, agreed that financial incentives might be preferable to a ban. "This is not totally out of our thoughts," she said. "We'll want to talk about incentives."

Brophy and Quillman agreed that a smoking ban could negatively affect local businesses. "We have to take a look at this from an economic perspective," Quillman said. "We're not Chicago."

After listening to opponents, Brophy said Joliet could not ban smoking in bars and restaurants unless surrounding communities did the same. In the case of Joliet's two casinos, bans would have to be adopted in other gaming towns, including Aurora, Elgin and Hammond, Ind.

Bans 'hurt businesses'

Incentives might be more palatable for restaurant and bar owners.

"From a business community standpoint, we're much more open to an incentive-based system than a draconian ordinance that would hurt businesses," said Steve Riedl, executive director of the Illinois Licensed Beverage Association.

Riedl noted that many establishments already have installed high-tech filtration systems that reduce the impacts of secondhand smoke. And he decried what he described as the all-or-nothing approach by public health "zealots" who want bars and restaurants to be completely smoke-free.

A good start

Cindy Jackson, who manages the Will County Health Department's tobacco control and prevention program, agreed that an incentive program might be a good start.

"Anything that will get a restaurant to go smoke-free is good," she said. "It's good for the workers and the patrons."

But she insisted that while filtration systems may reduce smoke, they do not eliminate the harmful chemicals and toxins that remain in the air. She pointed to a list of disclaimers by filtration system retailers and manufacturers, many of which state that they do not provide complete protection against the harmful effects of secondhand smoke. The list was compiled by the advocacy group Americans for Non-Smokers' Rights.

Jackson said the health department is passing petitions and conducting an educational campaign with the goal of achieving a 100 percent ban on public smoking.

Elected officials have struggled with financial incentives that will appeal to business owners. In Washington, D.C., for example, elected officials considered giving a 25 percent sales tax rebate to bars that went smoke-free, but only after quadrupling business license fees. The city council eventually bailed on the initiative and in December passed a smoking ban.

- Reporter Charles B. Pelkie may be reached at (815) 729-6039 or via e-mail at cpelkie@scn1.com.

http://www.suburbanchicagonews.com/heraldnews/top/4_1_J026_SMOKING_S1.htm

Published Tuesday, December 13, 2005

Nixa aldermen reject proposed smoking ban Author of plan is awaiting word from city clerk on putting the issue to a public vote.

Didi Tang
Springfield News-Leader

With a 2-4 vote, the Nixa Board of Aldermen on Monday night defeated a proposed smoking ban. "It should be (business owners') decision, not the city of Nixa," said Alderman Charles McCorkle before he voted against the proposal.

But the issue may not go away.

Alderman Steve Faseler, who drafted the ban against smoking in any enclosed workplace or public venue in the city, said he will wait for further word from City Clerk Coralee Patrick. She's been asked to research the possibility of placing the issue on the ballot for a public vote.

If the city can do that, several city officials have said they would support it.

"The final say should come with a public vote," said Alderman Steve Tallaksen, who also voted against the proposal Monday night.

Only Aldermen Faseler and Chris Thomas voted for it.

Faseler has argued that public safety concerns should overrule business interests.

He proposed the ban after Jim Blaine, a Springfield physician, asked Nixa officials to act in September.

Since October, the board held several public hearings on this matter, trying to gauge different opinions in the community.

While health workers tend to support the ban, many business owners, especially those in the restaurant industry, speak against it.

"This is America," said Omar Barron, owner of the Longhorn Grill. "... People are given choices."

Steve Branstetter, owner of Bumstead's, said he stands to benefit from the smoking ban because his eatery is right outside city limits.

Still, he argued that no restaurant is dragging in customers and subjecting them to secondhand smoking.

And more governmental restrictions could hurt local restaurants, which already are a difficult business to keep alive, Branstetter said.

"Stay out of the restaurant business," he said. "Let restaurant people run the restaurant business."

But those who favor the ban said public safety is important.

Drawing comparisons to a recent ban on pocket bikes in Nixa, local physician William Campbell said banning smoking in public venues and workplace is "the right thing to do."

Often, young people start their first job at restaurants as servers with few choices, he said. Without a smoking ban, those employees will be subject to secondhand smoke, Campbell said, and working in such an environment for an hour equals smoking one cigarette.

That's eight cigarettes a day, the doctor noted.

Pam Duitsman, a Nixa resident, also said the city needs to protect its nonsmoking citizens and that the smoking ban already popular in thousands of other communities in the country does not hurt businesses.

"The fact is that the smoke-free policy is good for the business, it is good for those who frequent the business, and it is good for those who work in the business," she said.

Chad Jackson, a local Realtor, said people should be able to choose.

"A lot of people die from heart diseases from eating fast food," he said. "And I don't see them closing (McDonald's).

"It's a personal choice," he said.

McCorkle, reading from a prepared statement, said the public should take a "responsible common sense" approach and choose the right place smoking or non-smoking for themselves.

<http://www.news-leader.com/apps/pbcs.dll/article?AID=/20051213/NEWS/512130378>

Friday, November 18, 2005

Smoking proposal heard

By Ryan Clark
Cincinnati Enquirer staff writer

ALEXANDRIA - Members of city council heard the first reading Thursday of an ordinance that would require establishments in the city to designate that they allow smoking.

Earlier this month, council rejected a ban on smoking in public buildings and workplaces, fearing a ban would drive customers away from the city's small businesses.

Council thought a sign ordinance would be the next best thing to a ban.

Members decided Thursday that if the ordinance passes, 11-inch by 17-inch signs will be placed in the entryways of workplaces that allow smoking.

"This establishment permits smoking," the signs will say. Another line will describe how studies show that smoking can be hazardous to one's health.

The signs will be designed and produced by the city, with the businesses reimbursing the city for the cost. But if owners of establishments wish to create a special sign, they will be allowed to do so, as long as the sign adheres to city guidelines.

Council members expect to have a final vote on the ordinance at their next meeting, 7 p.m. Dec. 1 at the city building at 8236 W. Main St.

"I'd rather go forward on this ordinance than not do anything," said Councilman Stacey Graus, who supported a citywide smoking ban. "It almost makes you make a conscience decision."

Not everyone agreed.

Some members of Northern Kentucky Action, a coalition of agencies and businesses advocating smoke-free workplaces, said the ordinance was a "cop-out" and would give other cities the idea of settling on this law rather than an all-out ban.

"I appreciate you all as a council wanting to do something," said Matt Coleman, a member of the group. "But I hope you're not just voting on something to vote on something. This is not a compromise."

Others on council agreed with Graus.

"I do think it provides awareness," said Councilman John Stein. "It does provide a choice. I think it's a good first step."

"If enough people are given the information, and if enough people turn around and go someplace else, those (business owners) are going to take a long look at that sign," said Councilwoman Barb Weber.

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<http://news.enquirer.com/apps/pbcs.dll/article?AID=/20051118/NEWS0103/511180455/1059/NEWS01>

Map - <http://maps.google.com/maps?oi=map&q=Alexandria,+KY>

Posted on Wed, Nov. 16, 2005

Smoking ban loses vote
Issue will resurface when state passes ban

By Tu-Uyen Tran
Grand Forks Herald Staff Writer

East Grand Forks' proposed smoking ban went down without even a vote at the City Council meeting Tuesday.

Opponents of the ban voted 4-3 to confirm a 2002 resolution that said the city would wait for the state to pass its own ban first.

Though resolutions are not binding, City Attorney Ron Galstad asked the council to rescind the resolution first before taking a vote on the ban. The council's "no" vote by a 4-3 margin meant it never got to that second step.

Council members Dick Grassel, Mark Holy and Henry Tweten and Council President Glen Trembath were on the winning side.

Swing vote

Trembath's was the swing vote. He'd expressed lukewarm support for the ban before but was troubled by the additional government intrusion into private businesses.

After consulting with many businesses and residents, he said, he decided that he didn't support the ban after all.

Council member George Wogaman, the ban's biggest proponent on the council, said he was "really disappointed" it didn't get a vote. Had that happened, he said, he could have thrown in amendments that might have appeased some ban opponents.

"We're turning our back on employees and citizens of East Grand Forks," he said, warning that the state could pass a far harsher ban.

The city's ban exempted bars and restaurants after 8 p.m. and it exempted fraternal clubs, such as the VFW, all the time. That exemption was to expire in a decade. Still, those businesses were the ban's most strenuous opponents.

The end?

Tuesday's vote isn't necessarily the end of the smoking ban.

Unlike a vote on an ordinance, a vote on a resolution can be brought back again and again by any member of the council, not just those on the winning side, according to Galstad.

A new council with two new members will be taking office Jan 1. One of the newbies, Greg Leigh, will replace ban-opponent Holy and one, Wayne Gregoire, will replace ban-supporter Wogaman. Gregoire previously said he, too, supports a ban.

Park showers delayed

In other news, council member Dick Grassel said the state has rejected contractors' bids for a new shower house at the Red River State Recreation Area.

City leaders had lobbied hard for the showers because the lack of showers caused some campers to choose other campgrounds.

The state rescheduled the new bids for spring, pushing back the opening date for the shower house, a move council members saw as a delaying tactic by a reluctant Department of Natural Resources.

Tran reports on City Hall. Reach him at (701) 780-1248 or ttran@gfherald.com.

<http://www.grandforks.com/mld/grandforks/13178328.htm>

Columbiana rejects ban on smoking

Wednesday, November 16, 2005

JEREMY GRAY

The Birmingham News staff writer

Columbiana's indoor smoking ban died without being voted on at Tuesday night's City Council meeting.

The ordinance, which failed to get a motion for consideration Tuesday night, had been criticized by both local business owners and municipal officials. Opponents had packed Columbiana City Hall during a public hearing on the ban two weeks ago.

The defeat will not deter the Shelby County Coalition for Safe and Drug-Free Communities from a goal of making the county smoke-free, coalition officials said.

"We will continue to educate citizens about the dangers of smoking," said Susan Johnston, executive director of Family Connections, the nonprofit organization that operates the coalition.

Mayor Allan Lowe said although he disagreed with the ordinance, he put it on the agenda because more than one council member wanted the idea publicly discussed.

Johnston said it was a concern about government regulations that led to the ordinance's demise.

The ordinance would have authorized police to issue citations both to smokers and to business owners who allow smoking on their premises.

"We thought it (the Columbiana ordinance) would be well-received because so many businesses there have gone smokeless voluntarily ... it just seemed people were concerned about government telling them what to do," Johnston said.

Johnston said although the coalition might face similar concerns in other communities where they are advancing the effort, she is confident Shelby County will ultimately take steps to limit the public presence of secondhand smoke.

For now, Johnston is keeping quiet about which cities the coalition is meeting with.

"We don't want to get people upset," Johnston said. "We just want to keep educating."

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<http://www.al.com/news/birminghamnews/index.ssf?/base/news/1132136476253970.xml&coll=2>

Posted on Wed, Sep. 21, 2005

Auburn council rejects smoking ban in 5-2 vote

By Kara Hull
Fort Wayne Journal Gazette

AUBURN - A proposed smoking ordinance that has been the topic of conversation in Auburn for months was snuffed out Tuesday when the Auburn City Council voted 5-2 against the measure.

The "no" votes included Councilman Rich Crawford, who was president of the three-member committee that drafted the initial ordinance. With countless changes to what was originally proposed, Crawford said Tuesday after the vote that he couldn't support something he no longer recognized.

"It just got to the point where it was being amended so many times it wasn't the ordinance I had wanted it to be," he said. "I just didn't feel comfortable pushing that legislation through just to save face."

Tuesday's vote, which was taken after about an hour of comment from residents and business owners, was a stark contrast to the council's 4-3 vote Sept. 6 to pass the smoking ban.

About 40 people packed the council chambers, with opponents of the smoking ban speaking out more frequently than those speaking for it.

Under the proposed ordinance, smoking at bars or taverns attached to restaurants would be allowed only if the business had a separate entrance into the bar. An amendment proposed last month by Council President Richard Ring - stating that businesses could permit smoking if they install floor-to-ceiling walls or enclosures for smoking areas - was added at the last council meeting and included an addition by Councilman Mike Walter that customers inside these areas must be at least 18.

Before Tuesday's vote, Walter suggested an amendment to include Auburn's one bowling alley in the list of restricted places. His amendment was voted down 5-2.

Brenda Daley, director of Drug Free DeKalb County, spoke out against the "watered down" ordinance before Tuesday's vote. Daley was involved in the planning of the ordinance and plans to start efforts next week to push for a countywide smoking ban.

"We are concerned about the current form the ordinance is taking," she said.

Council members Marilyn Gearhart and Walter were the only members to vote for the ordinance Tuesday.

Although the city didn't get its smoking ban, Mayor Norman Yoder and council members agreed that the eight-month process has brought a heightened sense of awareness about the dangers of secondhand smoke to the community. As an asthma sufferer, Councilman Greg Kenner said he hoped business owners in Auburn would take steps on their own to better cater to customers who are bothered by excessive smoke.

But the proposed ban is an issue that won't go away and could surface again next year in another form, the mayor said.

The city will soon be re-evaluating its smoking policies for employees when using city vehicles, he said.

Crawford agreed.

"I'm not saying it's over," he said. "You've got to walk before you can run and that's what we did tonight."

In other business, the council passed an \$11,116,071 budget for 2006.

The budget includes an additional information technology employee, firefighter and police officer.

This is the first time in years that there has been enough money to add to the public safety departments, the mayor said.

The budget also allots funds for upgrades to police and fire vehicles and the purchase of a new pumper truck for the fire department to replace their aging 30-year-old vehicle.

Under the passed budget, \$50,000 will be used for street repairs next year.

<http://www.fortwayne.com/mld/fortwayne/news/local/12702424.htm>

Article published Wednesday, August 17, 2005

Van Wert panel rejects call for a smoking ban
Full council to decide issue

By VANESSA WINANS
TOLEDO BLADE STAFF WRITER

VAN WERT, Ohio - Plans to consider a ban on smoking in some public places may have, well, gone up in smoke.

A public meeting Monday night resulted in the Van Wert City Council's health and safety committee voting 3-0 against considering a ban, committee Chairman Stan Agler said yesterday.

In addition to the 35 people who attended to present their views, pro and con, the committee considered petitions opposing a ban. The petitions contained some 950 signatures from residents, Mr. Agler said.

He will take the committee's vote and findings to the full council, which will decide whether to act further.

Earlier this year, Councilman Steve Gehres proposed that council consider a ban.

Although the former smoker said he was disappointed the idea didn't catch on, he added that simply putting the issue before the public has had positive effects. He now knows of two local restaurants that have smoke-free policies, and he's made sure to visit both.

"They're now up on my restaurants of choice list," he said. "It's really nice to eat in a facility that isn't stunk up with smoke, whether or not people are smoking at that time."

Even those disappointed by the committee's decision still can retain hope. Anti-smoking and health activists are considering whether to put the issue to voters throughout the state next year, both councilmen said.

Mr. Agler likes that idea.

"If it's on a state ballot, at least it provides a level playing field," he said, adding he believes that when a community adopts a ban, smokers simply cross municipal boundaries to get to businesses in which they can light up. That hurts businesses in the community with the ban.

And Mr. Gehres thinks such a referendum could have a shot at passage.

"By that time, the groundwork will be laid" because local issues have put the idea to the public, he said. "Maybe Ohio will be smoke free."

Some communities in northwest Ohio have approved full or partial smoking bans, including Wauseon, Bowling Green, Findlay, and Toledo.

Another is considering it.

In June, Paulding Councilman Susan Hill asked her fellow village council members to think about a smoking ban in restaurants in the seat of Paulding County.

<http://toledoblade.com/apps/pbcs.dll/article?AID=/20050817/NEWS17/508170412>

July 15, 2005

Smoking restrictions vetoed

Crawfordsville mayor opposed the ordinance that covered tobacco use in some public places.

Associated Press

CRAWFORDSVILLE, Ind. -- The mayor has vetoed tighter restrictions on smoking in public places that had been approved by the City Council.

Mayor John Zumer announced his decision Wednesday, but already had said last month he opposed the ordinance, which the council approved 4-3 on Monday.

The council last year imposed a smoking ban in all city-owned property and considered the ban for all places of employment in the city after a campaign by a local anti-smoking group.

Zumer, however, said he is against such government regulation on legal products and that people are not forced to work at or visit places that allow smoking.

"Adults naturally concerned about their health and the health of minors entrusted to them are not required to patronize establishments that allow cigarette usage," Zumer said.

The Chamber of Commerce had backed the tighter restrictions, saying health concerns outweighed arguments for personal and business owners rights.

"This ordinance wasn't going to cost one tax dollar to increase a lot of people's quality of life," said Hal Utterback, president of the AHEAD Coalition, which pushed for the tighter restrictions. "We're not saying it's not a personal right to smoke. We're just saying it's not a right to infringe on other people by smoking in a public forum."

The council could override the mayor's veto if a fifth councilman would vote in favor of the ordinance, but Councilman Charles Fiedler, a ban supporter, said that was unlikely.

The Indianapolis City-County Council in May approved a ban on smoking in many public places, including some bars and most restaurants.

The city councils in Bloomington and Fort Wayne have tightened smoking restrictions for restaurants, but similar limits have been rejected by officials elsewhere, including the cities of Columbus and LaPorte.

<http://www.indystar.com/apps/pbcs.dll/article?AID=/20050715/NEWS02/507150505/1006/NEWS01>

As it appeared on the Indianapolis Star

Council rejects ban on smokers

But mayor moves to expand no-smoking policy to all city property

Tuesday, June 28, 2005

By MARC D. ANDERSON

Mobile Register Staff Reporter

FAIRHOPE -- In a unanimous vote Monday night the City Council rejected a measure that would have required all new hires to be tobacco-free on or off the job.

Despite the urging of the mayor prior to the vote, the council agreed that a policy prohibiting what an employee should do outside the workplace was too harsh.

"I just have a real problem with mandating something like that; taking such a strong step in the beginning," Councilwoman Debbie Quinn said. "I don't feel as strongly as the mayor does about (not) increasing health insurance. If they are willing to smoke, then maybe they do need to take some of that burden."

Other council members thought the policy would pry too far into employees' personal lives.

"In the real world I don't think it is our business to tell our employees what to do off the clock," Councilman Cecil Christenberry said.

The council's 4-0 vote was part of the city's effort to revise its personnel policy handbook, which passed minus the tobacco policy.

Mayor Tim Kant has said the reason for the proposal was to lower health insurance costs, which are hovering around \$2 million a year.

Acting Council President Mike Ford, who was filling in for Bob Gentle, said that besides violating an individuals rights, which reminded him of the former Soviet Union pitting neighbor against neighbor, it hasn't been shown to him that the measure would lower costs.

"If we take away this right away, what's next?" Ford added. "Are we going to tell people who smoke now that they have six months to quit or they are fired?"

Although the mayor didn't make any headway on the policy vote, he did propose expanding the city's current no-smoking policy within city-owned buildings and vehicles through his executive authority granted by the current smoking ordinance.

"As of Oct. 1, unless the council overrides this ordinance, we're going to stop smoking outside our buildings in Fairhope," Kant said, with most council members later showing support for the proposal. "I feel that the health and welfare of our citizens is first and our employees are part of that group."

The issue of employees' smoking and rising health costs has not completely dropped. The council will look into other "less harsh" ways of addressing smokers and possibly form a committee, Ford said at the conclusion of the vote.

With Monday's unanimous decision, the city avoided possibly becoming the first municipality in the state to enact such a rule.

According to Jeremy Gruber, legal director of the National Workrights Institute, a New Jersey-based nonprofit organization, the idea of refusing to hire smokers is not particularly new but what is new is that municipalities are just starting to do so.

"Once they start regulating one area, it's quite easy to regulate others," Gruber said. "And smoking is an easy target."

In an effort to protect an individual's rights, some states have enacted restrictions for employers, Gruber said.

"There are 29 states, plus the District of Columbia, that have laws regulating employer control of legal off-duty conduct," Gruber said. "It varies, some (laws) are more expansive than others."

<http://www.al.com/news/mobileregister/index.ssf?/base/news/1119950219291850.xml&coll=3>

Posted June 14, 2005

Green Bay panel rejects smoking ban

Appleton Post Crescent

GREEN BAY -- The City Council's Protection and Welfare Committee on Monday denied a request to ban smoking in all workplaces, including bars and restaurants.

The proposal is similar to a ban that takes effect July 1 in Appleton.

The committee voted 4-0 to deny the request, which still will move on to the council next week.

Green Bay resident Joe Meyer made the request out of concern over the effects of secondhand smoke on workers.

However, Ald. Chad Fradette called it an issue of individual property rights.

Also Monday, the committee referred a proposal to ban smoking at Bay Beach Amusement Park to the Park Committee, since it concerned litter, not health issues.

http://www.wisinfo.com/postcrescent/news/archive/local_21425759.shtml

Article published Tuesday, January 11, 2005

Council loosens Wauseon smoke ban
Restaurant patrons allowed to light up

By JANE SCHMUCKER
TOLEDO BLADE STAFF WRITER

WAUSEON - Smoking, with some restrictions, will be allowed in Wauseon restaurants, private offices, and its smallest workplaces, City Council decided yesterday, changing a voter initiative that narrowly passed Nov. 2.

Several of the business owners who had told council they feared the ban would cost them sales or give good employees a reason to leave were pleased.

"Council did a very good job of being fair to everyone involved," said John Weber, owner of John Weber's Good Food.

Feelings were mixed among leaders of the Tobacco Free Fulton County Coalition, which wrote the ballot initiative that prohibited smoking throughout restaurants and most workplaces.

"Some compromises were made, and I'm OK with that," said Carl Lewis, who added that council appeared to please as many people as possible with its amendments. He said he would press on from this point. "Every beach starts with a grain of sand," he said.

But Sharon Morr, another coalition leader who is director of corporate and community health promotion at Fulton County Health Center, said "They basically gave in to the restaurant owners."

Wauseon's city charter allows council to change ballot initiatives approved by residents.

Council voted 5-1 on its overall amendment to the city smoking ban, which went into effect Nov. 22, apparently unbeknownst to most city officials, proponents, and opponents until last week.

Councilman Doug Shaw, who has spoken against the ban, voted "no" without comment during the meeting, which was attended by more than 30 people.

The changes allow all four of Wauseon's privately owned restaurants that have told council they want to keep smoking to do so - with some changes.

Among the most significant changes to the voters' initiative:

- Restaurants that seat 50 or fewer people are exempt from the ban. That would allow Tiffany's Caf to continue to allow smoking if owner John Tiffany removes seven of his 57 seats.

Council voted 4-2 on this section of its amendment, with council president Karen Krumm and Ivan Hite voting no.

"I really feel like this amendment would defeat the spirit of the law," Mrs. Krumm said. The proposed amendment had been prepared yesterday before the noon meeting, she said.

- Restaurants can establish smoking areas in separate rooms with floor-to-ceiling walls that take up less than half of the restaurant's public space. They do not need separate ventilation systems.

John Weber's Good Food and White Lattice Caf both have several rooms in their North Shoop Avenue restaurants. Weber's, which has confined smoking to its back room for lunch and dinner, will need to do so during breakfast as well.

White Lattice, which has had smoking in its front room and a no-smoking section in the back, must reverse those arrangements, according to councilmen, who said non-smokers should not have to walk through a smoking section to get to their own section. That was not written, however, in the amendments that council passed.

- Restaurants with bars can allow smoking at the bar. That would allow Doc Holliday's downtown to permit smoking at its bar.

- Businesses with fewer than five employees are exempt, as are all private offices and business vehicles.

- The city code administrator will enforce the ban instead of police.

Council's amendments take effect in 30 days. In the meantime, the more restrictive ordinance passed by voters is in effect. Both laws are to be enforced by complaints.

Council may change the ban at any time. The Nov. 2 voter initiative is an ordinance that council could amend at any meeting. And anyone with a petition signed by 203 registered Wauseon voters could put another smoking ban initiative on the November ballot.

Mrs. Morr said it was too early to say whether her group would return to the ballot. Its first try with a more restrictive measure that prohibited smoking in bars and private clubs failed by 12 votes in 2003.

But Mrs. Morr said council's amendments yesterday confused the issue that voters approved by 79 votes - a 51 percent majority - on Nov. 2.

"They rushed into something cobbled up," she said, adding that she thought amendments should have been read at three council meetings before council voted.

She said her organization had planned to run ads and create publicity for the restaurants when they became non-smoking.

"But there isn't anything to do now. We have nothing to promote," Mrs. Morr said.

Restricting smoking to separate dining rooms without separate ventilation systems does not do enough to protect nonsmokers from the harmful effects of smoke, she said. And it does not prevent restaurant workers from being exposed to smoke on the job.

Before council started amending the ban in its special meeting yesterday, Mayor Jerry Dehnhostel told members they needed to balance the vote of the residents with the best interests of local businessmen.

"Local businesses are the backbone of our community. We must not turn our backs on them," he said. "To propose an initiative without attempting to get input from those most affected was wrong. To limit their ability to earn a living is wrong. To experiment with their livelihoods is wrong. A loss of even 10 percent revenue is potentially disastrous to any business. The ramifications of this ordinance could be even worse. We don't know."

He went on to say that separate rooms for smokers and nonsmokers would allow all who want to be in a smoke-free environment to do so, and that any more restrictive measures should be statewide.

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